

MINUTES
MINING AND RECLAMATION ADVISORY BOARD (BOARD)
October 22, 2020

VOTING MEMBERS OR ALTERNATES PRESENT:

(Note: All present attended via-Skype)

David Osikowicz (Original Fuels - Member)
Jack Chamberlin (Chamberlin Surveying and Consulting - Member)
John St. Clair (Citizens Advisory Council (CAC) – Member)
Cynthia Carrow (CAC - Member)
James Schmid (CAC – Member)
Rachael Gleason (PA Coal Alliance (PCA) - Alternate)
Timothy Collins (PA Senate - Alternate)
Mark Fetzko (PA Senate – Alternate)
Darrel K. Lewis (Allegheny Minerals Corporation – Alternate)
Glendon King (PA House - Alternate)
Tara Hazelwood (PA House – Alternate)
Duane Feagley (PA Anthracite Council (PAC) - Alternate)

OTHER ATTENDEES

John Stefanko (DEP – Office of Active and Abandoned Mine Operations (AAMO))
Amy Berrios (DEP – AAMO)
Dan Sammarco (DEP – Bureau of District Mining Operations (BDMO))
Bill Allen (DEP – Mining Programs)
Bruce Carl (DEP – Mining Programs)
Sharon Hill (DEP – Mining Programs)
Gregory Greenfield (DEP – Mining Programs)
Eric Oliver (DEP – Mining Programs)
Paul Pocavich (DEP – Mining Programs)
Gregory Shuler (DEP – Mining Programs)
Ross McMann (DEP – Mining Programs)
Kevin Bogdan (DEP – Mining Programs)
Daniel E. Snowden, D.Ed. (DEP Mining Programs/Board Liaison)
Brian Bradley (DEP – Bureau of Abandoned Mine Reclamation)
Kate Cole (DEP – Policy)
Laura Griffin (DEP – Policy)
Christopher Minott (DEP – Regulatory Counsel)
Lee Ann Murray (PA House) (Guest)

MEETING CALLED TO ORDER/INTRODUCTIONS

The meeting was called to order at approximately 10:00 a.m. Board members and DEP personnel introduced themselves.

APPROVAL OF MINUTES

The minutes from the last meeting were approved without changes. The motion was made by Mr. Lewis and seconded by Mr. Feagley.

CORRESPONDENCE

The Board received no correspondence since the last Quarterly Meeting.

COMMITTEE REPORTS

The Board's Regulation, Legislation and Technical (RLT) Committee met on October 15, 2020 via Skype to discuss the Coal Refuse Disposal regulations, Engineering Manual, and Liners Technical Guidance Document (TGD). The Committee decided to consult outside expertise regarding the Liners TGD. Committee members also had several suggestions for the Engineering Manual, which were passed onto the BMP. The Engineering Manual will have an extended 90-day public comment period, due to its size.

PRESENTATIONS

Coal Mining Program Updates

Mr. Bruce Carl provided updates to the Board regarding the coal mining program:

- National Pollutant Discharge Elimination System (NPDES) Permitting: Mr. Carl provided the number of draft permits (as of August 2020) which were sent to the United States Environmental Protection Agency (US EPA), and the number of those permits which had comments. The DEP has resumed its monthly calls with the EPA.
- Initiatives: As of the day of the meeting, there were over 86 Notice of Intent to Explore ePermits submitted. Backend development of the ePermitting system continues, and additional permitting features for bonding should be implemented soon. Annual production reporting is also being developed for the ePermitting system, with hopes that it will be finalized in November.
- Trust Agreements/Bond Status: The Board was provided details on a variety of items regarding this topic:
 - Number and value of total agreements (between December 2015 and September 2020), total (i.e., bonds, fully funded trusts and partially funded trusts (including Alternative Bond System (ABS) sites).
 - The amount of partially and fully funded trusts have both stayed the same since last presented to the Board.
- Land Reclamation Financial Guarantees (LRFG): Mr. Carl provided details on the increase of LRFG permits and amount underwritten. The total underwritten amount as of July 2020 was 48.8 million.
- Applications: Ms. Sharon Hill provided the Board with a detailed breakdown of application data, including the number of applications by each DMO and revision and application type. All figures are available through the meeting materials on the website.

- Regulatory Agenda: Ms. Hill informed the Board that Water Supply Replacement will be presented to the EQB at its November meeting:
- Non-Regulatory Agenda: Civil Penalties is up for public comment until November 2. The Engineering Manual was published in the PA Bulletin for public comment through January. The Liners and Caps TGD will be reviewed by an outside expert on slurry impoundments on behalf of the RLT Committee.
- Technical Items: The DEP is continuing to work with the EPA on a revision for GP-104. BMP has engaged regularly with the EPA to adjust the revision for approval and submitted a formal proposal in September. The BMP intends to present the Board with this document at its next meeting. Additionally, the BMP also revised the GFCC Application. All updates will be made available on the What's New page on the Permits and Technical section of the BMP website.
- Reclamation Fee Operations and Maintenance (O & M) Trust Accounts: The Board was shown the current information for the Reclamation Fee Account, including Coal Civil Penalties, LRFG Premiums, as of the end of the Fiscal year.
- Application Fee Revenues: Mr. Gregory Greenfield provided revenue figures for the Surface Mining Conservation and Reclamation Act (SMCRA) and Clean Water Fund (CWF) for the fiscal years between 2012 to 2020 (September 30th).

Bond Rate Guidelines

Mr. Carl discussed the preliminary Coal Bond Rates for 2021, in terms of grading costs. Using the lowest bid data, the grading on the 9 received projects ranged from \$0.65 to \$2.00/cubic yard. Select grading and grading and haul from 1000 ft. to 1 mi. had no additional data and both rates remain the same. Revegetation costs increased from previous years, which in turn affected Maintenance bonds. Stage 3 Maintenance bonds have also increased.

Coal Refuse Disposal Regulations

Mr. Greenfield showed the Board potential changes to the Coal Refuse Disposal Regulations (25 PA Code, Chapters 88 and 90) following the October RLT meeting. More specific language was used with regards to temporary and permanent cessation. Mr. Chamberlin put for a motion to approve these changes, seconded by Mr. Lewis. It was approved by the Board without changes.

Remining Regulations TGD

The Board was presented with the details of this document, intended to address proposed changes to the remining regulations. These changes impact protection provisions for surface coal mine operators to remine lands previously affected by mining activities that have pre-existing pollution discharges. It addresses background, eligibility and application requirements for remining protection as well as permitting, monitoring and bond release. The RLT Committee will be presented with the TGD once it's available.

Policy and the TGD process

Ms. Kate Cole from the Policy department gave the Board a brief look into the Policy Office's role in the TGD process, with a focus on its continual collaboration with both programs within the Department and Advisory Boards and Committees.

Updates from BAMR

Mr. Bradley updated the Board on the most recent current projects by BAMR, as well as the Abandoned Mine Lands (AML) projects that are currently being constructed/reclaimed and, the future projects the Bureau is advancing through the design phase. A complete list of the projects was provided in the Board's meeting materials.

Updates from the District Mining Offices

Mr. Sammarco updated the Board on the current status of vacancies and workloads in the District Mining Offices. The DMOs continue to telework while also addressing emergencies and complaint investigations. Several vacancies within the DMOs have been filled.

2021 MRAB Meeting Dates

The Board scheduled meetings for January 21, April 22, July 14-15, and October 21, 2021. July 14 is the provisional date for the annual field trip.

OPEN TIME

Adjournment/Next Meeting

The Board adjourned its meeting at approximately 11:30 a.m. The Board will meet again at 10:00 a.m., January 21, 2021 via Skype.